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Patent
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Attorney's Docket No. 040000-854

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of

Per JOHANSSON et al.

Application No.: 09/994,803

Filed: November 28, 2001

For: FLEXIBLE INTER-NETWORK
COMMUNICATION SCHEDULING

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APR 15 2002

OFFICE OF PETITIONS

**PETITION TO THE COMMISSIONER FOR ACCEPTANCE OF
RESUBMITTED FORMAL DRAWINGS AND REQUEST THAT
A FILING DATE OF NOVEMBER 28, 2001 BE ACCORDED
UNDER 37 C.F.R. §§ 1.53(e) AND 1.17(h),
ALONG WITH A REQUEST FOR REFUND**

Attn: Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Incomplete Nonprovisional Application dated December 10, 2001 (copy included herewith), Applicants respectfully submit that 13 sheets of drawings were submitted with patent application no. 09/994,803 on November 28, 2001 and respectfully request that the original filing date of November 28, 2001 be accorded to the patent application.

As evidence that the 13 sheets of drawings were submitted on November 28, 2001, Applicants submit herewith:

1. A copy of the executed Utility Patent Application Transmittal Letter dated November 28, 2001 indicating distinctly that 13 sheets of formal drawings were being submitted.

2. A filing receipt including a USPTO office date stamp dated November 28, 2001. The filing receipt specifically indicates 13 sheets of drawings numbered 1- 8E were submitted with the application.

3. A return postcard including the assigned serial number 09/994803 and November 28, 2001 filing date that is postmarked December 1, 2001. The return postcard specifically indicates 13 sheets of drawings numbered 1- 8E were submitted with the application.

Further, each of the Transmittal Letter, filing receipt including the office stamp, and return postcard, indicate that 13 pages of drawings (Figs. 1-8E) were submitted with the application on November 28, 2001, without any notation on these documents by the USPTO to the contrary. As noted in MPEP § 503, a postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO. Therefore, Applicants respectfully submit that 13 sheets of drawings were submitted and the filing of Application No. 09/994,803 was complete on November 28, 2001, and Applicants hereby request that a filing date of November 28, 2001 be correctly accorded.

For convenience, Applicants also submit herewith a copy of the 13 sheets of formal drawings as originally submitted on November 28, 2001.

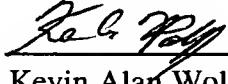
As required by 37 CFR 1.17(h) a check for the Petition fee of \$130.00 is enclosed. However, Applicants respectfully request a refund of the \$130.00 Petition fee because the drawings were properly submitted by the Applicants and subsequently misplaced within the USPTO after filing.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Should any remaining concerns exist, the Commissioner or Office of Petitions is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 
Kevin Alan Wolff
Registration No. 42,233

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: December 28, 2001

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Patent
OFFICE OF PETITIONS
Attorney's Docket No. 1000-854



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT
APPLICATION TRANSMITTAL LETTER

PATENT APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed for filing is the utility patent application of Per JOHANSSON, Ulf JÖNSSON, Fredrik ALRIKSSON and Niklas JOHANSSON for FLEXIBLE INTER-NETWORK COMMUNICATION SCHEDULING.

Applicant(s) hereby request(s) that the above-captioned application NOT BE PUBLISHED under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Applicant(s) suggest(s) Figure 4 for inclusion on the front page of the patent application publication and patent.

Also enclosed are:

13 sheet(s) of formal informal drawing(s);

a claim for foreign priority under 35 U.S.C. §§ 119 and/or 365 is hereby made to _____ filed in _____ on _____;

in the declaration;

a certified copy of the priority document;

a General Authorization for Petitions for Extensions of Time and Payment of Fees;

an Assignment document;

an Information Disclosure Statement;

a patent application bibliographic data sheet; and

Other: _____

An executed unexecuted declaration of the inventor(s)
 also is enclosed will follow.

Please amend the specification by inserting before the first line the sentence --This application claims priority under 35 U.S.C. §§ 119 and/or 365 to _____ filed in _____ on _____; the entire content of which is hereby incorporated by reference.--

DOCKETED



11/28/01, C.G. A3

21839

(7/01)

Please amend the specification by inserting before the first line the sentence:

--This application is a continuation of International Application No. filed on , which International Application was was not published by the International Bureau in English on .

Small entity status is hereby claimed.

The filing fee has been calculated as follows and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	36	MINUS 20 =	16	× \$18.00 (103) =	288.00
Independent Claims	5	MINUS 3 =	2	× \$80.00 (102) =	160.00
If multiple dependent claims are presented, add \$270.00 (104)					
Total Application Fee					1,158.00
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee \$40.00 (581) if Assignment document is enclosed					40.00
TOTAL APPLICATION FEE DUE					1,198.00

This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.

A check in the amount of \$ 1,198.00 is enclosed for the fee due.

Charge \$ to Deposit Account No. 02-4800 for the fee due.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Please address all correspondence concerning the present application to:

Ronald L. Grudziecki
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 28, 2001

By: 
Kevin Alan Wolff
Registration No. 42,233

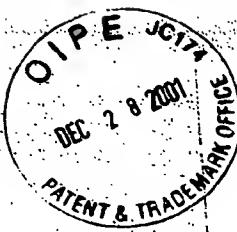
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Alexandria, Virginia 22313-1404
(703) 836-6620

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(7/01)

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OFFICE OF PETITIONS



Inventor: Per JOHANSSON et al.

Docket No.: 040000-854

Appn. No. 11
Unassigned

Date: November 28, 2001

DOCKET NO.: 040000-854
COMMUNICATION SCHEDULING

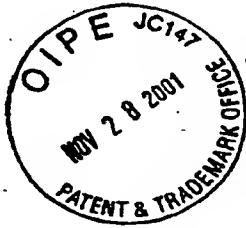
Title: FLEXIBLE INTER-NETWORK COMMUNICATION SCHEDULING



The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

Utility Patent Application Transmittal
 Design Patent Application Transmittal
 Continuing Prosecution Application
 Request
 Provisional Application Cover Sheet
 Provisional Application Transmittal
 Continuation/Divisional Application (Rule 1.53(b)) with copy of application
 Request for Continued Examination
 Executed Declaration/Power of Attorney
 Unexecuted Declaration/Power of Attorney
 Assignment/Assignment Recordation Form
 Cover Sheet (PTO-1595)
 Claim for Convention Priority w/ _____ certified copy(s)
 Preliminary Amendment
 Information Disclos. Statement Transmittal Letter
 Information Disclosure Statement w/ 5
 Information Disclosure Statement(s)
 Specification (pages 1 - 33)
 Claims (claim(s) 1 - 36, 6 pgs.)
 Drawings (Fig(s). 1 - 8E, 13 pgs.)
 Abstract of the Disclosure

(10/00)



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Inventor: Per JOHANSSON et al. Appn. No. Unassigned
Docket No.: 040000-854 Work Atty: BLG/KAW:ats

Title: FLEXIBLE INTER-NETWORK COMMUNICATION SCHEDULING



The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

Utility Patent Application Transmittal Executed Declaration/Power of Attorney
 Design Patent Application Transmittal Unexecuted Declaration/Power of Attorney
 Continuing Prosecution Application Assignment/Assignment Recordation Form
 Request Cover Sheet (PTO-1595)
 Provisional Application Cover Sheet Claim for Convention Priority w/ certified
 Provisional Application Transmittal copy(s)
 Continuation/Divisional Application (Rule Preliminary Amendment
 1.53(b)) with copy of application Information Discl. Statement Transmittal
 Request for Continued Examination Letter
 Request for Continued Examination Information Disclosure Citation (PTO-1449)
 INCLUDING:
 Specification (pages 1 - 33) Information Disclosure Statement w/5
 Claims (claim(s) 1 - 36, 6 pgs.) document(s)
 Drawings (Fig(s). 1 - 8E, 13 pgs.) Petition for Month Extension of Time
 Abstract of the Disclosure Constructive Petition for Extensions of Time
 Bibliographic Data Entry From

(10/00)

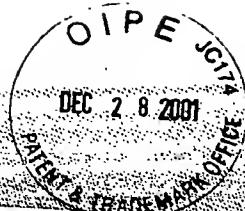
jc858 U.S. PTO
09/994803
11/28/01



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OFFICE OF PETITIONS



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL

FIRST CLASS MAIL PERMIT NO. 782 ALEXANDRIA, VA
PO BOX 1404
POSTAGE WILL BE PAID BY ADDRESSEE

BURNS, DOANE, SWECKER & MATHIS, LLP.
PO BOX 1404
ALEXANDRIA, VA 22313-9984

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Page 1 of 1

APR 15 2002

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FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/994,803	11/28/2001	Per Johansson	040000-854

O I P E

DEC 28 2001
PATENT & TRADEMARK OFFICE

RONALD L. GRUDZIECKI
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1401

CONFIRMATION NO. 8832

FORMALITIES LETTER



OC00000007176145

Date Mailed: 12/10/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

MTB
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

02/05/2002 CCHAU1 00000076 09994803

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